THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.6079; 6080; 6081; 6082; 6179;
6188; 6189; 6190; 6191 & 6192 of 2007

W.P.No. 6079 of 2007 and batch:

29-03-2007

Between:-

M/s. Sai Ganesh Traders, Vijayawada,
Rep., by its Proprietor, Muvva Ramu.

Petitioner

And

The District Collector,
Machilipatnam,
Krishna district and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 6079; 6080; 6081; 6082; 6179;
6188; 6189; 6190; 6191 & 6192 of 2007

Common Oral order:

The issue involved in these writ petitions is one and the same and hence are being disposed of by this common order, after hearing the learned counsel for the respective petitioners and the learned Government Pleader for Civil Supplies.

The petitioners assail the orders of the respective District Collectors directing interim disposal of the petitioners' scheduled commodities seized on allegations of violation of the provisions of Andhra Pradesh Scheduled Commodities Dealers (Licensing & Distribution) Order, 1982 (for short 'the Control Order,

1982'). Invariably, the reasons recorded in the impugned orders directing interim disposal is that the seized stocks of pulses are perishable in nature.

In view of the judgment of this Court in W.P.No. 3761 of 2007 dated 27-02-2007, the competent authority, exercising power under Section 6A(2) of the Essential Commodities Act, 1955 (for short 'the Act') is required to record an opinion/satisfaction as to the existence of the conditions incorporated in Section 6A (2) of the Act, as a condition precedent to an order directing interim disposal. Pulses seized in the instance cases are clearly not perishable commodities and therefore the orders are flawed, invite invalidation and are accordingly quashed.

The respondents/competent authorities are however at liberty to pass appropriate orders exercising power under Section 6A (2) of the Act, in conformity with the principles laid down and the law declared in W.P.No. 3761 of 2007 dated 27-02-2007.

The writ petitions are accordingly allowed. No costs.

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GODA RAGHURAM, J

Dated:29-03-2007
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